

IN THE UNITED STATES DISTRICT COURT FOR THE
SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

DAVID CRAFT,

Plaintiff,

v.

CIVIL ACTION NO. 1:23-00098

JOHN D. GILLS,

Defendant.

MEMORANDUM OPINION AND ORDER

Pending before the court is defendant's motion in limine. ECF No. 40. For the reasons explained below, the motion is **DENIED** as moot.

This motion was brought when Defendant Andy Damewood was a party to this suit. He has since been voluntarily dismissed. See ECF No. 45. When defendants filed the motion, they asked the court to exclude evidence of prior lawsuits brought against them. However, the motion specified only prior suits against Damewood. Defendants stated that "[i]t is anticipated that Plaintiff may attempt to introduce evidence that Defendant Damewood was previously a party to a civil action." ECF No. 40 at 1. Defendants further explained that "Defendant Damewood's prior lawsuit does not fall within any exception outlined in Rule 404(b)." Id. at 2. Because Damewood has been dismissed, this motion is **DENIED** as moot. Gills may file a motion in

limine if he has reason to believe plaintiff intends to introduce similar evidence related to Gills.

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 18th day of February, 2025.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge